



Atty. Dkt. No. 016887-1026

yIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tomoharu TANAKA et al.
Title: NON-VOLATILE SEMICONDUCTOR MEMORY DEVICE
AND MEMORY SYSTEM USING THE SAME
Appl. No.: 09/722,474
Filing Date: 12/28/2000
Patent No: 6,781,895
Granted: 08/24/2004
Examiner: V. Le
Art Unit: 2824

***LETTER
(UNDER A GENERAL OBLIGATION
OF CANDOR AND GOOD FAITH
IN PRACTICE BEFORE THE OFFICE)***

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

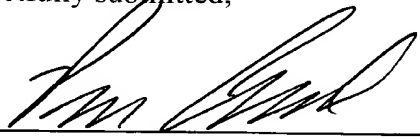
Applicant(s) hereby respectfully request(s) that the Patent Office recalculate the Patent Term Adjustment. It is believed that the Patent Term Adjustment should be 321 days. The Patent Office failed to consider the response to the 312 Amendment received on December 2, 2003 which resulted in 8 Applicant days. This letter is being filed consistent with the general obligation of candor and good faith in practice before the Office and pursuant to the PTO's response to Comment 43 of the Final Rule RIN 0651-AB06 published in the Federal Register, Vol. 65, No. 181, on September 18, 2000, which states as follows:

"In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate."

Applicants request that the Patent Office issue a Certificate of Correction to the undersigned attorney of record that reflect the corrected patent term adjustment days.

Respectfully submitted,

Date SEP 08 2004

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888